

REMARKS

Applicant has amended the specification to insert the headings suggested by the USPTO Guidelines.

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1-12 under 35 U.S.C. § 112, second paragraph, and the separate rejection of claim 5 under 35 U.S.C. § 112, second paragraph (see pages 1 and 2 of the Office Action), in view of the above new claims 13-22 which address and correct each and every one of the Examiner's stated grounds in support of these rejections.

Applicant respectfully traverses the rejection of claims 1-12 under 35 U.S.C. § 103(a), as being unpatentable (obvious) over Belcher '993, and also the parallel rejection of these same claims under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Draghetti '340 in view of Belcher '993 or Focke '437, for the following reasons.

I. Analysis of the claimed invention

1. The claimed invention relates to the production of packs, and cigarette packs in particular. The current marketing strategy of cigarette manufacturers focuses on integrating carriers of printed matter as pack inserts in cigarette packs, in particular in hinge-lid packs. The printing carriers contain advertising text but can also contain information on the product and the manufacturer as well as coupons for participation in contests. On the whole, this is a measure for enhancing communication with the consumer.

One problem relating to the packaging process is to find a way to coordinate the introduction of the pack inserts into the packs with existing packaging technology. The

packaging process, itself, should not be adversely affected by the attachment and introduction of the insert blanks.

The insert blank is meant to be disposed within the pack. The present invention is directed toward two alternatives with respect to the positioning of the insert blank:

(a) In hinge-lid cigarette packs, the insert blank can be positioned within the pack, namely at the front side of the pack content which is usually a “cigarette block”, i.e., a group of cigarettes that is surrounded by an inner wrapper (tin foil). This type of pack also features a “collar” (inner frame), which lies at the free outer side of the insert blank; and

(b) The alternative with respect to the positioning of the blank is that the blank is disposed on the outer side of the actual cigarette pack and surrounded only by the usual outer wrapper made of film. This variant with respect to the position of the insert blank corresponds to that shown in Draghetti '340 (Fig. 2, Fig. 4).

2. The first problem that arises in the positioning of the thin-walled, relative small insert blanks within the pack is that, due to the high-performance operation of packaging machines, the packs are conveyed at a correspondingly high speed, either in a continuous or cyclical manner. This makes it difficult to position a simple, in particular rectangular, blank in a precise location in or on the pack. The most obvious and most commonly employed solution is to fix the blank with glue (using glue spots) onto the pack. However, this solution is an undesirable one in terms of consumer handling of the pack, as it presents consumers with the difficulty of removing the glued pack insert from the pack.

Applicant's invention, therefore, relates to the process of fixing pack inserts in the form of blanks in a precise position in or on the pack without the use of a permanent (glue) connection. The basic solution involves a temporary adhesion of the insert blank produced by an electrostatic charge. This glue-free adhesion can be maintained for a sufficient amount of time and with sufficient strength until a blank – either the usual pack blank or an outer film wrapper – is applied, thus permanently fixing the insert blank in place.

Proceeding from this "basic" idea, Applicant's invention also recognizes that the working steps for attaching the blank must be as follows:

- a) *the insert blank is **first** – without prior electrostatic charging – precisely positioned on the pack or pack contents (cigarette block) at the location corresponding to its correct position in the finished pack,*
- b) *the unit comprising pack (or pack contents) and insert blank is **then** electrostatically charged, and*
- c) *finally, the pack blank or film wrapper is folded around the unit comprising the pack (or pack contents) and the insert blank.*

According to the invention, it is important that the insert blank is brought into its position on the pack without being subjected to any prior electrostatic charge, i.e., that it is completely discharged. Only afterwards is the blank temporarily fixed to the pack with an electrostatic charge. This makes it possible to achieve a precise positioning of the blank.

3. One special feature of the invention is the embodiment which is shown in Fig. 1 to Fig. 4, and which relates to the production of a hinge-lid cigarette pack. Here, the insert blank

25 is positioned within the actual pack. The unit comprising cigarette block 14 and blank 25 is subjected to electrostatic charge by electrodes 28, 29 in the region of the push-in station for the cigarette block after the unit has been inserted into the pocket of a folding turret. This solution is based on Applicant's observation that each, in particular periodic, rotational, movement of the folding turret causes a high degree of acceleration and deceleration of the packs in the pockets, with the result that the blank 25 lying on the cigarette block tends to be shifted sideways, i.e., assumes a skewed position. According to the present invention, electrostatic fixing holds the blank 25 in the correct position until the pack blank 11 is folded around the pack contents.

4. Another special feature of the invention is shown in detail in Fig. 5. It has been surprisingly noted that the electrostatic charge applied to multi-layered, folded blanks causes the layers of the blank to lie tightly next to each other. This facilitates the packaging process following the application of the electrostatic charge.

II. Comments on the prior art

1. Belcher '933 relates to the application of labels to the outer sides of cylindrical containers 12. The labels 24 are fixed on the outside of a glass or plastic container, and then are fed to a bonding station 40 where they are finally attached by using heat sealing. In order to achieve the temporary fixing of the labels 24 to the outer side of a container 12, the latter is electrostatically charged. To this end, a transfer turret 28 is divided into segments which, on one hand, transport a label (segment 32) and, on the other, are used to relay the electrostatic charge to the container 12 (segment 30). The segments are charged by being moved past stationary electrodes 62, 64.

When comparing Belcher '933 to the claimed invention, it should be noted that in Belcher '933 it is the pack, itself, namely the container 12, which is electrostatically charged **first**. Only **afterwards** is the label applied to the container. This makes it difficult to achieve a precise and exact positioning of the label on the container. This would be all the more difficult if such a method were applied to (cigarette) packs, since the insert blanks must be aligned and applied to flat surfaces.

In any event, Belcher '933 is **contrary** to the claimed invention which requires that the pack and label, or blank, are **first** brought together to form a unit which then is **subsequently** electrostatically charged.

2. Draghetti '340 requires no detailed interpretation. It shows cigarette packs of the hinge-lid type. A printing carrier 4 is positioned between the outer film wrapper and the actual pack. This is one of the embodiments discussed in paragraph 2 above; the blanks are **not** fixed by an **electrostatic** charge but, rather, are attached to the packs by **gluing**. The glue is applied to the blanks by gluing units 57, 69.

3. Focke '437 is of interest with respect to the exemplary embodiment pursuant to Fig. 10, Fig. 11, thereof. Here, blanks are applied to a continuous film web 69. The film web is used to produce blanks as the outer wrapper of cigarette packs. The insert blanks are applied to the continuous film web in the region of a blanks unit 75 (Fig. 11). Arranged upstream of the blanks unit 75 is an electrode 78 for charging the film web.

In Focke '437 (having the same assignee and one common inventor with the present application), a continuous film web is first electrostatically charged, and then the insert blanks

are laid upon the film web. The pack blanks are then severed from the film web that has been prepared in this way. The continuous charging of the film web is problematic, because it is difficult to sever pack blanks from the film web and to keep them ready in the region of the blanks station for being taken along by a pack. Furthermore, based on the personal knowledge of the present inventors, it is difficult accurately to fix a small, thin blank on a film that has been subjected to an overall electrostatic charge in such a way that the coupon or printing carrier 70 remains in the exact desired position, as illustrated in Fig. 10 as the ideal position, after a blank has been severed from the web.

With respect to Applicant's present claimed invention, even in Focke '437, one of the two material parts to be connected is **first** electrostatically charged and **then** connected to the other part.

4. In summary, then, Applicant respectfully submits that the **combined** teachings of these three references proceed from the poor basic idea which suggests that **first** one of the parts to be joined is to be electrostatically charged, and **then** the parts to be joined are brought together. That is, these references clearly do not teach or even remotely suggest, alone or in combination, the claimed invention, namely the **electrostatic charging of the unit comprising the pack and the blank (25)**.

In view of the above analysis of the deficiencies in the disclosure of Belcher '993, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness of the subject matter of each of the new claims 13-22.

Furthermore, in view of the above additional analyses of the disclosures of Draghetti '340 and Focke '437, Applicant respectfully submits that the Examiner also has not made out a *prima facie* case of obviousness of the new claims 13-22 over Draghetti '340 in view of either Belcher '993 or Focke '437, as it is clear that no combination of these three references teaches or suggests all of the limitations of claims 13-22.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw all rejections under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 103(a), and to find the application to be in condition for allowance with claims 13-22; however, if for any reason the Examiner feels that the application is not now in condition for allowance, Examiner Sipos is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

AMENDMENT UNDER 37 C.F.R. § 1.111
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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and
Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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